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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,057	04/01/2004	George D. Wolf	GDW-P-02-001	9634
29013	7590	08/11/2005	EXAMINER	
PATENTS+TMS, P.C. 2849 W. ARMITAGE AVE. CHICAGO, IL 60647			MULLER, BRYAN R	
		ART UNIT	PAPER NUMBER	3723

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/816,057	WOLF, GEORGE D.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bryan R. Muller	3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) 12 and 18 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:
  - a. The sentence starting on line 6 of page 9 of the specification is unclear. It states that track 6g on side 21 may be separated from track 6g on side 25, but it would be impossible to separate track 6g from itself and the reference numerals "21" and "25" both appear to represent walls, not sides, in the drawings and 6g is not located on either of the walls. Please correct this sentence without adding any new matter.
  - b. Reference numeral "21" and "25" are referred to as sides in the first paragraph of page 9 in the specification but are later referred to as walls. Each reference numeral may only represent one part.
  - c. In several instances starting on page 13 of the specification, the wrenches 1 and 50 are referred to as "wrenches 1, 50". Because there are only two wrenches please replace all occurrences of "wrenches 1, 50" with "wrenches 1 and 50".

Appropriate correction is required.

### ***Claim Objections***

2. Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is

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required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 12 appears to claim the same thing as independent claim 7.

3. Claim 18 objected to because of the following informalities: The word "surface" in line 3 of claim 18 should be changed to "surfaces". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "size" is indefinite referring to the "size" of the sections. As best understood by the examiner, the term "size" should be replaced by "length".

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 4-8 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mathys (CH 668380 A5).
8. In reference to claim 1, Mathys discloses a tool comprising a body having an outside perimeter and an inside perimeter wherein the inside perimeter defines an open area, first surfaces around the open area wherein the first surfaces are parallel and separated by a first width in the open area and second surfaces around the inside perimeter wherein the second surfaces are parallel and separated by a second width wherein the second width is greater than the first width and one the first surfaces is co-extensive with one of the second surfaces.
9. In reference to claim 4, Mathys further discloses an indent in the inside perimeter separating each of the surfaces.
10. In reference to claim 5, Mathys further discloses an apex formed along the inside perimeter.
11. In reference to claim 6, Mathys further discloses third surfaces around the open area wherein the third surfaces are parallel and separated by a third width wherein the third width is greater than the second width and one of the third surfaces is co-extensive with one of the second surfaces.
12. In reference to claim 7, Mathys discloses a fastening device comprising a body defined between a first end and a second end wherein the body has an outside perimeter, an interior area within the body having a first wall parallel to a second wall and indents within the first wall and the second wall wherein the indents divide the first

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wall and the second wall into sections and wherein a width between the first wall and the second wall increases from the first end to the second end.

13. In reference to claim 8, Mathys further discloses that the sections increase in *length* from the first end to the second end.

14. In reference to claim 11, Mathys further discloses an apex at the first end of the fastening device formed by a convergence of the first wall and the second wall.

15. In reference to claim 12, Mathys further discloses first sections in the first wall and the second wall wherein the first sections are separated by a first width and second sections in the first and the second wall wherein the second sections are separated by a second width wherein the second width is greater than the first width.

16. In reference to claim 13, Mathys further discloses that one of the indents in the first wall is aligned with one of the indents in the second wall.

17. In reference to claim 14, Mathys inherently discloses a method for securing a fastener, the method comprising the steps of providing a tool having a body defined between a first end and a second end wherein the body has an interior area defined by parallel walls wherein the walls have engaging sections wherein the engaging sections are co-extensive and further wherein each of the engaging sections has a different width separating the engaging sections in the interior area and selecting first engaging sections to contact the fastener wherein the walls of the tool contact the fastener.

18. In reference to claim 15, Mathys further inherently discloses the step of moving the tool in a direction to secure the fastener.

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19. Claims 1, 3, 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Keddie (Design Patent 393,578).

20. In reference to claim 1, Mathys discloses a tool comprising a body having an outside perimeter and an inside perimeter wherein the inside perimeter defines an open area, first surfaces around the open area wherein the first surfaces are parallel and separated by a first width in the open area and second surfaces around the inside perimeter wherein the second surfaces are parallel and separated by a second width wherein the second width is greater than the first width and one the first surfaces is co-extensive with one of the second surfaces.

21. In reference to claim 7, Mathys discloses a fastening device comprising a body defined between a first end and a second end wherein the body has an outside perimeter, an interior area within the body having a first wall parallel to a second wall and indents within the first wall and the second wall wherein the indents divide the first wall and the second wall into sections and wherein a width between the first wall and the second wall increases from the first end to the second end.

22. In reference to claims 3 and 9, Keddie further discloses ridges on the outside perimeter of the tool wherein the ridges are formed by depressions in the body of the tool along the outside perimeter.

***Claim Rejections - 35 USC § 103***

23. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

24. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathys (CH 668380 A5) in view of Burk et al (6,314,841).

25. Mathys discloses the fastening device as discussed supra but fails to disclose that there are grooves on the body of the tool wherein the grooves extend toward the inside perimeter. Burk discloses a multi-purpose hand tool that has grooves (18A in ribs 18) along the outer edges of the tool, wherein the grooves extend towards the inside of the tool and teaches that the grooves provide an excellent structure for allowing the hand tool to be gripped by the human hand (col. 2, lines 18-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the body of the Mathis invention with grooves extending toward the inside of the body, toward the inside perimeter, to provide an excellent structure for allowing the hand tool to be gripped by the human hand, as taught by Burk.

26. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mathys (CH 668380 A5) in view of Gramera et al (5,048,379).

27. In reference to claim 16, Mathys discloses a tool comprising a body having an outside perimeter and an inside perimeter wherein the inside perimeter defines an open area, first surfaces along the inside perimeter wherein the first surfaces are parallel and opposed, and second surfaces within the inside perimeter wherein the second surfaces are parallel and opposed and wherein the second surfaces are separated by a distance

greater than the distance between the first surfaces and further wherein one of the first surfaces is co-extensive with one of the second surfaces. Mathys, however, fails to disclose a first section and a second section along each of the first surfaces wherein a first distance exists between opposed first sections and a second distance exists between opposed second sections wherein the first distance is not equal to the second distance and that the second surfaces are separated by a distance greater than the first distance and the second distance. Gramera discloses multi-functional double ended socket wrenches wherein each socket has one side with an English standard size and an opposite side with the closest equivalent metric size (col. 4, lines 34-37) and further discloses that the next larger sized socket will have one side with an English standard size and an opposite side with the closest equivalent metric size, both of which are larger than the English standard and metric sizes of the prior socket (Table 1). Both Mathys and Gramera teach that including more than one sized wrench into a single tool will minimize clutter and weight of tool storage (such as tool boxes) and will make projects requiring different sized wrenches easier, by reducing the time to find different sized wrenches to fit each different sized fastener. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that even more wrench sizes could be provided to the Mathys invention by making one side of each surface a different size, specifically one side English standard sizes and the other side the closest equivalent metric size, as taught by Gramera. This would double the number of sizes provided the Mathys wrench and provide both English standard and metric sizes, thus, minimizing the number of tools needed, which will reduce clutter,

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minimize costs to purchase the tools and make projects requiring different sized wrenches easier and faster. Thus, the obvious combination of Mathys and Gramera would provide a tool comprising a body having an outside perimeter and an inside perimeter wherein the inside perimeter defines an open area, first surfaces along the inside perimeter wherein the first surfaces are parallel and opposed, a first section and a second section along each of the first surfaces wherein a first distance exists between opposed first sections and a second distance exists between opposed second sections wherein the first distance is not equal to the second distance, and second surfaces within the inside perimeter wherein the second surfaces are parallel and opposed and wherein the second surfaces are separated by a distance greater than the first distance and the second distance and further wherein one of the first surfaces is co-extensive with one of the second surfaces.

28. In reference to claim 17, the obvious combination of Mathys and Gramera would further provide a first section and a second section along each of the second surfaces wherein a first distance exists between opposed first sections and a second distance exists between opposed second sections wherein the first distance is not equal to the second distance.

29. In reference to claim 18, Mathys further discloses third surfaces co-extensive with the second surfaces wherein the third surfaces are opposed and parallel.

30. In reference to claim 19, the obvious combination of Mathys and Gramera would further provide that the distance between the first sections is based on a first measurement system (English standard) and the distance between the second sections

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is based on a second measurement system (metric) wherein the first measurement system is not the same as the second measurement system.

31. In reference to claim 20, Mathys further discloses that the second surfaces are longer than the first surfaces.

### ***Conclusion***

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mobile (5,425,393) and Williams (2003/0196521 A1) both disclose fastening devices comprising multiple different size wrenches, including metric and English standard sizes and grooves in the bodies to improve grip, Macor (5,557,992) discloses a multi-socket wrench which provides multiple different size wrenches with metric sizes on one side and English standard sizes on the other, Meldahl (Design Patent 356,240) discloses a fastening device very similar to the claimed invention and Rosenbaum (6,257,099) discloses a wrench and teaches that addition of grooves or flute to the handle improves grip and provides increased torque.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BRM BRM  
7/29/2005



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